

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WEDRIA LONG, #187751

Plaintiff,

v.

ANNAE SANDERS, *et al.*,

Defendants.

Case No. 09-11021

DISTRICT JUDGE
ARTHUR J. TARNOW

MAGISTRATE JUDGE
R. STEVEN WHALEN

ORDER
ADOPTING THE MAGISTRATE'S REPORT AND RECOMMENDATION [45]
and
GRANTING IN PART AND DENYING IN PART
DEFENDANTS SCHUMACHER, HAMILTON, ALLEN, SUMMERS AND BEASLEY'S
MOTION FOR DISMISSAL AND/OR SUMMARY JUDGMENT [21]

Before the Court is the Magistrate Judge's Report and Recommendation [45], filed on February 22, 2010, regarding Defendants Schumacher, Hamilton, Allen, Summers and Beasley's Motion for Dismissal and/or Summary Judgment [21]. The Report and Recommendation recommended that Defendants' Motion be granted in part and denied in part. The parties have filed no objections to the Report and Recommendation.

There having been no objections, and the Court being fully advised in the premises,

IT IS ORDERED that the Report and Recommendation [45] is **ADOPTED**.

Accordingly, Defendants' Motion [21] is **GRANTED IN PART AND DENIED IN PART**, as follows:

As to Defendant Schumacher, only, **IT IS ORDERED** that Defendants' Motion [21] is **GRANTED** for Plaintiff's failure to exhaust administrative remedies. The Complaint [1] is **DISMISSED WITHOUT PREJUDICE** as to Defendant Schumacher.

As to Defendants Hamilton, Allen, Summers and Beasley, **IT IS ORDERED** that Defendants' Motion [21] is **GRANTED** as to Plaintiff's official-capacity claims, and **GRANTED** as to Plaintiff's Fourteenth Amendment Equal Protection Claims.

IT IS FURTHER ORDERED that Plaintiff's requests for injunctive relief are **DENIED** for the reasons stated in the Report and Recommendation. *See* R&R at 12-13.

IT IS FURTHER ORDERED that Defendants' Motion [21] is **DENIED** as to Plaintiff's individual-capacity Eighth Amendment claims against Defendants Hamilton, Allen, Summers and Beasley. Thus, as to the movant Defendants, those Eighth Amendment claims are the sole claims to survive Defendants' Motion [21] for dismissal.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow

United States District Judge

Dated: March 29, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 29, 2010, by electronic and/or ordinary mail.

S/LISA M. WARE

Case Manager